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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/088,475  | 08/23/2002  | Umberto Avanzi       | 2510-1001           | 2944             |
| 466   | 7590        | 01/12/2006           | EXAMINER            |                  |
| YOUNG & THOMPSON<br>745 SOUTH 23RD STREET<br>2ND FLOOR<br>ARLINGTON, VA 22202 |             |                      |                     | ADE, OGER GARCIA |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3627  |             |                      |                     |                  |

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/088,475             | AVANZI, UMBERTO     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Garcia Ade             | 3627                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 March 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 15-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 15-27 is/are rejected.

7)  Claim(s) 15-27 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 20 March 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: the recitation of the word “centre” in the body of the specification is misspelled.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 15, 25 and 26 are objected to because of the following informalities: the recitation of the word “centre” in the body of the claims is misspelled. Appropriate correction is required.
3. Claims 16 - 24 and 27 are objected based on their dependency on claim 15 and 26 because: the recitation of the word “centre” in the body of the claims is misspelled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Phillips et al. [6,912,507].

**As per claims 15, 25 and 26,** Phillips et al. teach a system for making purchases by a customer at a shopping center of the self-service type, comprising: means for storing the position of each product on sale in the center [col. 2, lines 65 and 67, and col. 3, lines 1 – 7, via memory 210 (i.e. location information 212)], means for providing a shopping list of products to be purchased [col. 1, lines 57 – 59, as illustrated in fig. 9], means for determining the position of each product to be purchased [as illustrated in fig. 9 (i.e. item location aisle 1)] and means for providing the customer with and indication of the products to be purchased in ordered sequence according to a path inside the center [col. 3, lines 66 –67, and col. 4, lines 1 – 9, via memory 210].

**As per claim 16,** Phillips et al. teach a portable processing device having means for displaying a name and a coordinate, inside the center, of each product to be purchased [as illustrated in fig. 3 (i.e. wireless client block 310)].

**As per claim 17,** Phillips et al. teach a computer of the center [as illustrated in fig. 1 (i.e. processor 104)], the computer further comprising means for producing an ordered shopping list according to the path and comprising, for each product to be purchased [as illustrated in fig. 1, (i.e. block 112)], the corresponding name and the corresponding coordinate, and wherein the system comprises means for communication between the computer and the portable device [col. 2, lines 30 – 34, via memory 110], the ordered shopping being sent from the computer to the portable device [col. 2, lines 10 – 14].

**As per claim 18**, Phillips et al. teach wherein the portable device comprises means for displaying in succession the indication of each current product to be purchased in response to a forward command [as illustrated in fig. 4 (i.e. block 412)].

**As per claim 20**, Phillips et al. teach wherein the computer comprises means for storing a possible special offer associated with each product on sale [as illustrated in fig. 4 (i.e. block 408 competitive pricing comparison)] and means for adding the corresponding special offer to each product to be purchased in the ordered shopping list [as illustrated in fig. 4 (i.e. block 410), the portable device further displaying special offer corresponding current product purchased [as illustrated in fig. 4 (i.e. block 412)].

**As per claim 21**, Phillips et al. teach wherein the special offer includes a discount applied to a price of the product on sale [as illustrated in fig. 4 (i.e. block 408, competitive pricing information)] and wherein the portable device comprising means for determining an amount saved equal to the sum of the discounts corresponding to the product to be purchased chosen by the user, the portable device further displaying the amount saved [as illustrated in fig. 9 and 10].

**As per claim 22**, Phillips et al. teach wherein the computer comprises means for storing information relating to the customer [col. 2, lines 34 – 38] and means for producing and additional list containing an indication of recommended products depending on the information relating to the customer [col. 2, lines 15 – 22 (i.e. multiple shopping list)], the additional list being sent to the portable device and the portable device further displaying the indication of the additional product [as illustrated in fig. 3 (i.e. block 310)].

**As per claim 23**, Phillips et al. teach wherein the additional list includes, for each recommended product, the corresponding name and the corresponding coordinate and wherein the system further comprises means for detecting a position of the portable device [col. 2, lines 38 – 45, via memory 110 (i.e. detection device)], the portable device displaying the indication and the coordinate of the recommended product when the portable is in the vicinity of corresponding position [col. 3, lines 27 – 32].

**As per claim 24**, Phillips et al. teach: signaling means for indicating a zone in which the current product to be purchased is located, the portable device comprising means for selectively activating the signaling means [col. 2, lines 43 - 47].

**As per claim 27**, Phillips et al. teach a computer readable medium on which the program of claim 26 is stored [as illustrated in fig. 2, (i.e. block 204)].

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al., and further in view of O'Hagan et al. [5,821,513].

**As per claim 19**, Phillips et al. do not expressly disclose the following limitation: wherein the portable device includes bar-code reader for producing the forward command in response to the reading of a bar-code for the current product to be purchased, chosen by the user.

However, O'Hagan et al. disclose wherein the portable device includes bar-code reader for producing the forward command in response to the reading of a bar code for the current product to be purchased, chosen by the user [col. 2, lines 46 – 49].

Therefore, from the teaching of O'Hagan et al., it would be obvious to one of ordinary skill in the art at the time the invention was made to modify Phillips et al. invention to include a bar-code reader for producing a forward command. The motivation to combine would provide a more convenient, economical, and efficient system for providing customers with a portable data collection device including a dataform-n reader which can be used by a customer to read dataforms of items selected for purchase during a shopping session [Col.2, lines 17 – 21].

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The system for making purchases at a shopping center of the self-service type is recited in the following references: Hashimoto [US 2002/0070925], Talbott et al. [6,000,610], Tracy et al. [5,979,757], and Halling et al. [5,418,354].

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garcia Ade whose telephone number is 571.272.5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571.272.6771. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Garcia Ade  
Examiner  
Art Unit 3627

ga

  
Andrew Joseph Rudy  
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